



## VIII CONSTITUTIONAL GOVERNMENT

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### GOVERNMENT DECREE N<sup>o</sup> 3/2021

of 29 of January

#### **MEASURES TO IMPLEMENT THE DECLARATION OF THE STATE OF EMERGENCY EFFECTED BY THE DECREE OF THE PRESIDENT OF THE REPUBLIC N<sup>o</sup>. 6/2021, OF JANUARY 27<sup>th</sup>.**

The President of the Republic Decree n<sup>o</sup>. 6/2021, of January 27<sup>th</sup>, renewed the declaration of the state of emergency between February 2<sup>nd</sup>, 2021, 00:00 a.m., and March 3<sup>rd</sup>, 2021, 11:59 p.m..

With the entry into force of the aforementioned presidential decree, the right of international movement, the right of movement in national territory and the right of establishment of residence, the right to assembly and demonstration, freedom of worship, in its collective dimension, the right to property and private economic initiative and the right of resistance, were partially suspended.

Given the current national epidemiological situation and bearing in mind that measures meant to somehow materialize the partial suspension of the enjoyment of fundamental rights must meet requirements of necessity, adequacy and proportionality, the Government chooses to concentrate efforts on mitigating the risk of importing SARS-CoV-2 into national territory, given that, to date, no COVID-19 outbreak in Timor-Leste has been identified, that has resulted from situations of community transmission.

A majority of the measures already approved and being implemented will, therefore be upheld, namely: the prohibition of land border crossing for traditional or customary purposes and for access to regulated markets; the obligation of all international movement to take place through border posts, which may be closed by decision of the Minister of the Interior, when security or public health reasons justify it; the subjection of all individuals who wish to enter or leave the national territory to sanitary control, preventing international movement to all those who have

symptoms of infection by SARS-CoV-2 or COVID-19; the imposition of mandatory prophylactic isolation (quarantine) on all those who enter national territory; subjecting of all individuals diagnosed with COVID-19 to therapeutic isolation.

Additionally, the Government sets out a set of recommendations that should be accepted by the population residing in the national territory and aimed at preventing the eventual emergence and spread of a COVID-19 outbreak of in Timor-Leste.

Thus,

The Government, pursuant to article 115 (1) (o) of the Constitution of the Republic, decrees the following, to have the force of law as administrative rule:

### **Article 1**

#### **Object**

This decree approves the measures for the implementation of the declaration of state of emergency by the President of the Republic's Decree no. 6/2021, of January 27<sup>th</sup>.

### **Article 2**

#### **Territorial scope**

This decree applies across all of the national territory.

### **Article 3**

#### **Principle of legality**

The public administration bodies and services responsible for the application of the rules contained in the present decree, act in compliance with the law, within the limits of the powers that are attributed to them and in accordance with the purposes for which these same powers are conferred to them.

### **Article 4**

#### **Principle of equality**

The public administration bodies and services responsible for applying the rules contained in this decree cannot give privilege, benefit, impair or exempt, from any duty, any citizen or foreign national who is in the national territory on the grounds of parentage, sex, sexual orientation, race, language, territory of origin or place of residence, religion, political or ideological beliefs, education, economic situation or social condition, marital status or physical or mental condition.

### **Article 5**

## **Principles of proportionality and necessity**

1. The public administration bodies and services responsible for applying the rules contained in this decree can only affect the legally protected rights and interests of citizens or foreign nationals who are in national territory when necessary and in terms that are appropriate and proportionate to the objectives to be achieved.
2. The use of force in imposing compliance with the rules provided for in this decree is only authorised when it is not possible to resort to other means for that purpose.
3. The use of force is always preceded by a summons to obedience performed in a noticeable way and always within the strictly necessary and to the extent required for the fulfilment of the legal duty.
4. The means to be deployed in the use of force must comply with the prerequisites of the least intervention and the least possible injury, and more serious means can only be used, namely the use of weapons, instruments, equipment or objects when manifestly it is not feasible or sufficient to use physical force.

## **Article 6**

### **Mandatory health control**

1. All individuals wishing to enter or leave the national territory are subject to mandatory health control, pursuant to the terms of the International Health Regulations.
2. For the purposes of complying with the provision of the previous number, the entry and exit of the national territory is made exclusively by the border posts qualified for that purpose and only during the opening hours.
3. Land border crossing for traditional or customary purposes and for access to regulated markets is prohibited.
4. The entry of foreigners into national territory through land border posts is subjected to prior authorization, provided by the member of the Government responsible for the foreign affairs and cooperation area.
5. Individuals who enter the national territory disrespecting the provisions of paragraphs 2 and 3, are punished with a fine of US \$30 to \$250 dollars and bear the expenses resulting from the respective prophylactic isolation.
6. The application and collection of the fine provided for in previous paragraph complies with the provision of articles 149.<sup>o</sup> to 154.<sup>o</sup> of Law no. 11/2017, of May 24<sup>th</sup>.
7. The armed forces, when requested to do so, support the activities of surveillance and defence of land borders that are developed by the national police of Timor-Leste.

## **Article 7**

### **Prohibition of boarding**

1. Individuals who present symptoms of being sick with COVID-19 or infected with SARS-CoV2 cannot get in buses or board ships or aircrafts.
2. For the purpose of applying the preceding paragraph, the following are considered symptoms of COVID-19 disease or SARS-CoV2 infection:
  - a. Body temperature or fever equal to or higher than 37,5.ºC (thirty seven point five degrees Celsius);
  - b. Cough;
  - c. Sore throat;
  - d. Common cold;
  - e. Breathing distress.
3. Individuals who are prohibited from getting on buses or boarding ships or aircrafts, in accordance with paragraph 1, must complete the Mandatory Medical Declaration Form and are required to be taken to a health facility or isolation unit to be submitted to medical diagnostic tests for COVID-19 or infection by SARS-CoV-2.
4. The provisions of the preceding paragraphs are not applicable to medical evacuation cases.

## **Article 8**

### **Mandatory therapeutic isolation**

1. All individuals who enter the national territory are required to undergo medical diagnostic tests for COVID-19 or infection by SARS-CoV2 when they present the symptoms described in paragraph 2 of the preceding article.
2. Individuals who are diagnosed with COVID-19 or infected with SARS-CoV2 are subject to mandatory therapeutic isolation.

## **Article 9**

### **Compulsory prophylactic isolation**

1. All individuals are subject to the compulsory prophylactic isolation, in a health establishment, or in an isolation centre established for this purpose by the State, when they:
  - a) enter the national territory coming from abroad;
  - b) show the symptoms described in paragraph 2 of article 7,
  - c) are suspect of being infected with SARS-CoV-2, but whose COVID-19 tests are inconclusive;
  - d) are health professionals who have worked in an isolation centre where care is provided for patients with COVID-19 or those infected with SARS-CoV-2;

- e) have been in close contact, have lived together or shared the same environment with a patient infected with COVID-19;
- 2. The compulsory prophylactic isolation ceases at the end of the period provided for in the following article, if there is no basis for imposing the compulsory therapeutic isolation regime.
- 3. The rules of mandatory prophylactic isolation for aircraft crews who ensure international transport of passengers or goods, for drivers of heavy goods vehicles for international land transportation and for oil sector workers are approved by ministerial diploma from the Minister of Health.
- 4. Expenses related to prophylactic isolation are borne by each individual when this isolation is carried out in a private health establishment or isolation centre.
- 5. The personnel of the diplomatic missions accredited in Dili may comply with the period of prophylactic isolation at a place to be designated by the ministry of health or at their home.

## **Article 10**

### **Duration of the isolation period**

- 1. The isolation period provided for in:
  - a) in article 8, ceases with medical discharge;
  - b) in paragraph 1 of the previous article, ceases at the end of fourteen days, counting from the isolation period starting date.
- 2. The isolation period for aircraft crews who ensure international transport of passengers or goods and for drivers of heavy goods vehicles for international land transportation coincides with the time they remain in national territory, deducted the vehicle operation period.

## **Article 11**

### **Rules of social distance**

- During the term of this Decree, all individuals residing in Timor-Leste are obliged to:
- a) Maintain a distance of, at least, five feet from other individuals with whom they do not live in a common economy;
  - b) Wear a face mask that covers the nose and mouth when they have to access or remain in public or private spaces of collective use;
  - c) Sanitize hands when they intend to enter commercial, industrial or service premises or in buildings where public administration services operate.

## **Article 12**

### **Right of resistance**

Any act of active or passive resistance to orders issued by the competent public authorities in execution of the declaration of a state of emergency is banned.

## **Article 13**

### **Criminal Liability**

Failure to comply with the orders and instructions emanating from the competent authorities for the application of the rules of this Decree may import the criminal liability of the offender, in accordance with the Penal Code.

## **Article 14**

### **Non-compliance with measures by foreigners**

The non-compliance, by foreigners, of the orders and instructions issued by the competent authorities for the application of the rules of this Decree shall be immediately reported to the Migration Service.

## **Article 15**

### **Temporary closure of border posts**

In exceptional cases, justified by the health and safety of the population, the Minister of the Interior may order the temporary closure of border posts or reduce their working hours.

## **Article 16**

### **Licences and permits**

1. During the term this Decree is in force, licenses, permits, other administrative acts and documents remain valid regardless of the expiry of their respective term of validity.
2. The provisions of the preceding number include visas and residence or stay permits granted to foreigners who are in Timor-Leste.

## **Article 17**

### **Supervision**

1. The enforcement supervision of the present decree provisions is the responsibility of the security forces and services, and the teams of epidemiological and health surveillance, namely by:
  - a) Issuing legitimate orders, under the terms of this decree, consequence and participation for possible crimes as provided in this decree;
  - b) Promoting the necessary steps to ensure compliance with the mandatory isolation regime by all who are subject to said regime;

2. The Health services will inform the security forces and services about the identity of all individuals who are subject to mandatory isolation, as well as the location where they should remain in isolation.

### **Article 18**

#### **General duty to cooperate**

During the period of duration of the state of emergency, all individuals who are in national territory are subject to the duty of collaboration, namely through the fulfilment of orders or instructions that, for this purpose, are transmitted to them, in the prompt response to requests that, justifiably, are directed to them, in order to the implementation of the measures provided for in this Decree.

### **Article 19**

#### **Special duty of cooperation of regional and municipal officials and community leaders**

The President of the Oe-Cusse-Ambeno Special Administrative Region Authority, the presidents of the Municipal Authorities, the Municipal Administrators, the Administrators of the Administrative Posts, the Chiefs of Villages (Sucos) and the Chiefs of the Villages must cooperate with the bodies and services of the central administration, namely with the health authorities and the security forces, in:

- a) Dissemination of information, to local communities, on ways to prevent COVID-19;
- b) Providing information to health authorities or security forces about individuals who exhibit the symptoms referred to in paragraph 2 of article 7;
- c) Immediate communication of cases of gender-based violence against women, children, the elderly or people with disabilities;
- d) Communication to the police authorities on the entry of persons from abroad into the national territory;
- e) Providing information or execution of tasks requested of them for the purpose of preventing or combating COVID-19.

### **Article 20**

#### **Date of Expiry**

This Decree expires with the end of the state of emergency.

### **Article 21**

#### **Entry into force**

This Decree enters into force on the January 2<sup>nd</sup>, 2021 00:00 am.

Approved by the Council of Ministers on January 29<sup>th</sup>, 2021.

The Prime-Minister

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**Taur Matan Ruak**